



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Gene Etcheverry**, Former Treasurer,
Lander County, State of Nevada,

Ethics Complaint
Case No. 19-093C

Subject. /

REVIEW PANEL DETERMINATION

NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics ("Commission") received Ethics Complaint No. 19-093C ("Complaint") on September 30, 2019, regarding the alleged conduct of Gene Etcheverry ("Etcheverry"), the former Treasurer of Lander County. The Commission issued its *Order on Jurisdiction and Investigation* on November 14, 2019, which instructed the Executive Director to conduct an investigation regarding Etcheverry's alleged violations of NRS 281A.400(6).

Etcheverry is a former public officer as defined in NRS 281A.160 and NRS 281A.180, and the Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to Etcheverry's conduct as a public officer and have associated implications under the Ethics Law.

On October 21, 2020, a Review Panel ("Panel")¹ consisting of Chair Kim Wallin (Presiding Officer) and Commissioner Amanda Yen, Esq., reviewed the following: 1) Ethics Complaint No. 19-093C; 2) Order on Jurisdiction and Investigation; 3) Etcheverry's Response to the Complaint; 4) Investigatory Exhibits; and 5) Executive Director's Recommendation to the Review Panel.²

Under NAC 281A.430, the Review Panel finds and concludes that the facts do not establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the allegations pertaining to NRS 281A.400(6).

In the matter at hand, Etcheverry was compensated annual wages and benefits during his two-year tenure as the Treasurer of Lander County. Accordingly, as a public officer, he possessed a significant pecuniary interest in maintaining his public employment in this position from January 3, 2017 through January 3, 2019. However, the

¹ The original Review Panel appointed by the Chair pursuant to NRS 281A.220 to consider October review panel proceedings included Vice-Chair Duffrin, Commissioner Sheets and Commissioner Yen. When this ethics complaint was received by the Commission, Vice-Chair Duffrin disqualified himself from any participation in the proceedings associated with this complaint case pursuant to Canon 2.3 of the Code of Judicial Conduct and he did not receive any review panel materials or have any participation relating to this case. Chair Wallin appointed herself as a member of this Review Panel to replace Vice-Chair Duffrin. Commissioner Sheets was absent for the Review Panel. NAC 281A.177 establishes the majority of the membership of the three-person Review Panel is sufficient to consider and act on a matter, which equates to two panel members.

² All materials provided to the Panel, except the Ethics Complaint and the Order on Jurisdiction and Investigation, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

fact that Etcheverry had a significant pecuniary interest in his public employment does not, in and of itself, violate the Ethics Law, specifically NRS 281A.400(6). Rather, the issue is whether Etcheverry suppressed or concealed government information that tended to have an unfavorable effect on his public employment interest.

The evidence does not reflect that Etcheverry prevented the dissemination of or denied access to information that pertained to the manner in which he performed his public duties and functions in 2018 as Treasurer of Lander County. Rather, employees within the Nevada Department of Taxation who worked with Etcheverry and other Lander County staff to address fiscal reporting issues in 2017-2018 expressed that it was not their experience that any fiscal information was suppressed or concealed and instead attributed the issues to challenges in communication and lack of financial training and experience with fiscal staff, including the Subject.

Moreover, while the 2019 Report prepared for Lander County by a private Certified Public Accounting firm identifies a number of financial reconciliation deficiencies that occurred during the last six months Etcheverry served as Treasurer of Lander County, that Report does not reflect that Etcheverry suppressed or concealed financial information regarding those matters in an effort to retain his public position. Further, while the evidence does suggest some Lander County officials may have been concerned with the manner in which the functions and duties of the Treasurer's Office were performed under Etcheverry's leadership in 2017-2018, the Lander County Commission retained Etcheverry as the Lander County Treasurer through the term of his two-year appointment, which ended on or about January 3, 2019, when the 2018 Treasurer-elect was sworn into office.

Consequently, the evidence does not support a factual basis as required by NRS 281A.400(6) sufficient to demonstrate that Etcheverry suppressed or concealed government documents in the latter half of 2018 to avoid being removed from office and cease receiving the wages and benefits that attached to his public employment.

This matter is hereby dismissed.

Dated this 22nd day of October, 2020.

THE REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

By: /s/ Kim Wallin
Kim Wallin, CPA, CMA, CFM
Chair/Presiding Officer

By: /s/ Amanda Yen
Amanda Yen, Esq.
Commissioner

By: /s/ Absent
Damian Sheets, Esq.
Commissioner